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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2013-854*

12 **MERCEDES M. STAPLETON**
13 **aka MERCEDES M. RYAN**
14 **703 East Pinedale**
Fresno, CA 93720

A C C U S A T I O N

15 **Registered Nurse License No. 614736**

16 Respondent.

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18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 2. On or about March 3, 2003, the Board issued Registered Nurse License Number
23 614736 to Mercedes M. Stapleton, also known as Mercedes M. Ryan ("Respondent"). The
24 license was in full force and effect at all times relevant to the charges brought herein and will
25 expire on November 30, 2014, unless renewed.

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JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct....

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or regulations adopted pursuant to it.

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

1 **REGULATORY PROVISIONS**

2 7. California Code of Regulations, title 16, section 1444, states, in pertinent part:

3 An act shall be considered to be substantially related to the qualifications,
4 functions or duties of a registered nurse if to a substantial degree it evidences the
5 present or potential unfitness of a registered nurse to practice in a manner consistent
6 with the public health, safety, or welfare. Such acts shall include but not be limited to
7 the following:

8 (c) Theft, dishonesty, fraud, or deceit.

9 **COST RECOVERY**

10 8. Code section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licensee found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Conviction of a Crime)**

16 9. Respondent is subject to discipline under Code section 2761(f), in that on or about
17 July 25, 2008, in the case of *People v. Mercedes M. Ryan*, (Super. Ct. San Diego County, Case
18 No. M052955), Respondent was convicted by the Court on her plea of no contest of violating
19 Vehicle Code section 23152(b) (driving with a blood alcohol level of .08% or higher), a crime
20 that is substantially related to the qualifications, functions or duties of a licensed registered nurse.
21 The circumstances of the crime were that on or about June 13, 2008, Respondent drove a vehicle
22 while having a blood alcohol level of 0.15%.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 10. Respondent is subject to discipline under Code sections 2761(a), on the grounds of
26 unprofessional conduct, as defined in Code section 2762(b), in that on or about June 13, 2008,
27 Respondent used an alcoholic beverage to an extent or in a manner dangerous or injurious to
28 herself and the public when she operated a vehicle with a blood alcohol level of 0.15%.

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1 dishonesty, as more particularly set forth above in paragraph 12(b), in violation of California
2 Code of Regulations, title 16, section 1444(c).

3 **PRAYER**

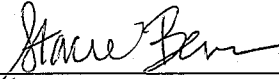
4 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 614736, issued to
7 Mercedes M. Stapleton, also known as Mercedes M. Ryan;

8 2. Ordering Mercedes M. Stapleton, also known as Mercedes M. Ryan to pay the Board
9 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,
10 pursuant to Business and Professions Code section 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: MARCH 29, 2013

13 *for* 
14 LOUISE R. BAILEY, M.ED., RN
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant
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